

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

BENNIE BENNETT, #1409660

§

VS.

§

CIVIL ACTION NO. 2:19cv001

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

Petitioner Bennie Bennett, a prisoner currently confined within the Texas Department of Criminal Justice (TDCJ), proceeding *pro se* and *in forma pauperis*, filed this habeas action challenging a 2006 criminal conviction stemming from Harrison County. The case was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On January 31, 2022, Judge Payne issued a Report, (Dkt. #14), recommending that Petitioner's habeas petition be denied and that the case be dismissed, with prejudice, as time-barred. Judge Payne further recommended that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner, and Petitioner has filed timely objections, (Dkt. #16).


The Court has conducted a careful *de novo* review of the record and the Magistrate Judge's proposed findings and recommendations. See 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct and Petitioner's objections are without merit. Accordingly, it is

ORDERED that the Report and Recommendation of the United States Magistrate Judge, (Dkt. #14), is **ADOPTED** as the opinion of the Court. Petitioner's objections, (Dkt. #16), are **OVERRULED**. It is also

ORDERED that Petitioner's habeas petition is **DENIED** and the above-styled civil action is **DISMISSED**, with prejudice, as time-barred. Petitioner is further **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are **DENIED** as **MOOT**.

So ORDERED and SIGNED this 1st day of March, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE